

Tony Lynn, Thomas / Creditor
c/o P.O. Box 9099
Stockton, California
(95208-1099)

United States Bankruptcy Court
Northern District of California
San Francisco Division
450 Golden Gate Ave.
San Francisco, California (94102)

PG&E Corporation
Debtor (2640) 19-30088 (DM)
77 Beale St.
San Francisco, California (94105)

Pacific Gas and Electric Company
Debtor (19-30089)
77 Beale St.
San Francisco, California (95105)

PG&E Corporation Claims Cert. # 7018 2290 0001 5882 7989
Processing Center
c/o Prime Clerk LLC
Grand Central Station
PO Box 4850
New York, NY 10163-4850

FILED
MAR 18 2020
X
UNITED STATES BANKRUPTCY COURT
SAN FRANCISCO, CA

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

In re:

Chapter 11 Case
No. 19-30088 (DM)
(Lead Case)
(Jointly Administered)

PG&E CORPORATION,

- and -

PACIFIC GAS AND ELECTRIC
COMPANY

NOTICE OF APPLICABLE CALIFORNIA LAW
CONCERNING LICENSING OF ATTORNEYS.
FURTHER, NOTICE OF MY OBJECTION TO
ANY UNLICENSED ATTORNEY'S ACTIONS
RESPECTIVE OF MY "PROOF OF CLAIM".
REQUEST FOR SUMMARY JUDGEMENT AS
TO "PROOF OF CLAIM".

Debtors.

Affects both Debtors

NOTICE IS HEREBY GIVEN:

"AFFIDAVIT OF TRUTH"

**Notice to Principal is Notice to Agent / Notice to Agent is Notice to Principal
All Parties Noticed Hereto**

Affiant, Tony Lynn, Thomas solemnly swear, declare and depose that I am over the age of 18 years and competent to state to the matters set forth herein. That affiant has personal knowledge of the facts stated herein, and that all facts stated herein are true, correct and complete to the best of my knowledge and belief, admissible as evidence and, if called upon as a witness, I will testify to their veracity.

Affiant, Tony Lynn, Thomas, filed a claim for damages noticed in a mailing insomuch as PG&E Corporation and Pacific Gas and Electric Company (collectively, PG&E / Debtors) had reached the next step in their Chapter 11 Cases: the setting of the “Bar Date”.

The Bar Date, October 21, 2019, was noticed as being the deadline by which any person or entity must file a Proof of Claim, my claim date: Oct. 2, 2019, if they believe money was owed to them by PG&E for the period prior to the January 29, 2019, Chapter 11 filing. Note: The noticed statement: “To the extent you believe that you have a claim that arose before January 29, 2019,...”; was given as item #4 on a letter that stated “Important Legal Notice.”

Enclosed with this “Important Legal Notice” was a court document: SRF 34081 – United States Bankruptcy Court – “NOTICE OF DEADLINE FOR FILING PROOF OF CLAIM IN CHAPTER 11 CASES.” Item # 1 – WHO MUST FILE A PROOF OF CLAIM; “You MUST file a proof of Claim to vote on a chapter 11 plan filed by the Debtors or to share in distribution from the Debtors bankruptcy estate if you have a claim that arose before the Petition Date,...”.

Please take notice that I, supra, attached an “Affidavit of Truth” to my “Proof of Claim”, dated: Oct. 2, 2019, for damages. This “Affidavit” has not been responded to, 120 days plus, pursuant of any kind of a counterclaim and/or **objection** to the noticed facts. This failure to respond, that is to rebut, refute or challenge the facts noticed, is to accept, via stipulation, the noticed facts as being true and correct. Notice: “In short, a filed proof of claim is allowed and valid unless objected to. Here, Creditor’s claims have not been objected and are thus deemed allowed unless an objection is filed.” Alleged “Order” dated: March 02, 2020 – page two of two.

Now, its alleged in an “Order Denying Motion for Temporary Allowance”, filed stamped as “Entered on Docket” March 02, 2020, with no notice as to who, see: page one - blank upper left side of said Order, is allegedly filing this “Order”. Further, its stated: “Because relief is unnecessary, the Motion is hereby DENIED.” But this alleged order is not signed, authorization of authority as to Order, see: page two End of Order, by any judge of the court. Note: Therefore, I, supra, claim that this alleged “Order” was filed illegally.

Of paramount importance are the facts noticed on page two, of said Motion, dated: 2/25/20, paragraphs six and seven as these facts concern the issue of the requirements of the licensing of attorneys. As “Noticed” therein; “Attorney for Debtors and Debtors in Possession”, Bar Card # 151445 / # 298192, and the word Esq. / Esquire as being an Attorney. These allegation fail to give Notice, license number, that comports with the requirements of the law, Constitution and Business and Professions Code, relating to claims of being a “License Attorney”. Notice: State of California Constitution – Article VI, sec. 9 and Business and Professions (2001), sec. 6067 – “A certificate of the oath shall be indorsed upon his license.”

Affiant, supra, has taken notice of a filed document #5733 Filed: 02/11/20 Entered: 02/11/20 17:28:41 and the list of alleged legal, contract law, firms and their alleged attorneys, noticed on pages 3 and 4 of 7, that the debtors have allegedly in their employment as alleged legal counsel.

As previously noticed: I, supra, Affiant / Declarant, am attaching a document titled "Noticed of Applicable California Law concerning the licensing of an attorney." Thus, said document is being made a part hereof by reference thereto a copy is attached hereto. Notice: Only the CEO and/or Presidents of the debtors have standing to respond and/or object to my Proof of Claim for damages pursuant of an "counterclaim" "Affidavit of Truth" / Testimony under oath

Based upon the letter of the law. I OBJECT, on the record and for the record, that for anyone to act as an alleged attorney respective of my "Proof of Claim" in these proceedings; that they produce their "license" indorsed with his/her "certificate of the oath" as proof of their claim thereto. Note: My objection concerns only my "Proof of Claim" and is not effective as to anyone else's claim in these proceedings.

It is my understand and belief that the definition of the term "license" as noticed in Black's Law Dictionary is connected to the follow: "The 14th Amendment" of 1868 as to "citizens of the United States" – "Federal Reserve Act" of 1913 - "The Trading with the Enemy Act" of 1917 as amended in 1933 – "HJR-192" / "Senate Document #43" thereof / "The Federal Old Age Act" of 1933 – "Holy Bible" "Book of Revelation chapter 13" / "mark of the beast" – "Title 18 USC sec. 8 / Title 31 USC sec. 3124" - "The Public Salary Tax Act" of 1939 – "The Victory Tax Act" of 1942 – "Treasury Order 150-06, dated: July 9, 1953" "Internal Revenue Service of the Commonwealth of Puerto Rico" – "The Internal Revenue Code" of 1954 as amendments thereto – "Title 26 USC / IRC sec. 6109" – "Title 26 USC / IRC sec. 6903" – "IRS Decoding Manual 6209" – "Title 5 USC sec. 553" Rules – "IRS Publication #17" "interpretation of the law" – and "State and federal Administrative Procedure Act" Treasury regulations are the bottom line!

SUMMARY JUDGMENT

At the end of the day: Insomuch as my "Proof of Claim" has been agreed upon, via stipulation, failure to respond, by the debtors; I, supra, am requesting a "Summary Judgment" of the amount stated in my claim for damages.

If the debtors claim an objection to my request, please have them state, under oath, on the record, the bases for their objections. Note: Should the debtors authorize, via an allege delegation of authority, any unlicensed attorney to file any kind of an objection to my claim. I, supra, claim that their actions would be the criminal act of fraud upon these proceedings. Further, such actions would be a violation of my rights to due process of the law and the equal protection of the law.

Respectfully, presented:


Tony Lynn Thomas

cc:

Entered on Docket
March 02, 2020
EDWARD J. EMMONS, CLERK
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA



Signed and Filed: March 2, 2020

DENNIS MONTALI
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In re:
PG&E CORPORATION,) Bankruptcy Case
) No. 19-30088-DM
- and -)
PACIFIC GAS AND ELECTRIC COMPANY,) Chapter 11
) Jointly Administered
Debtors.)

- Affects PG&E Corporation)
 Affects Pacific Gas and Electric Company)
 Affects both Debtors)

* All papers shall be filed in the Lead Case, No.
19-30088 (DM).

ORDER DENYING MOTION FOR TEMPORARY ALLOWANCE

Creditor Manuel Salvador Franco filed a motion to temporarily allow his claims (the “Motion”) (dkt. #5983) on February 28, 2020. The matter was not set for hearing or properly noticed, but the court has reviewed the Motion and applicable law and will dispose of the matter without notice or hearing.

Pursuant to 11 U.S.C. § 502(a), a filed proof of claim is deemed allowed until and unless it is objected to. If filed in accordance with Federal Rule of Bankruptcy Procedure (“FRBP”)

1 3001, the proof of claim will constitute prima facie evidence of the validity and amount of the
2 claim. In short, a filed proof of claim is allowed and valid unless objected to. Here, Creditor's
3 claims have not been objected to and are thus deemed allowed unless an objection is filed.

4 The Motion also expresses some confusion regarding FRBP 3017(a) and FRBP 3018(a).
5 Rule 3017(a) deals with approval of a disclosure statement, and 3018(a) deals with temporary
6 allowance for the purposes of confirmation. These rules do not affect Creditor's filed proofs of
7 claim or their validity because no objection to the claims has been filed.

8 Because relief is unnecessary, the Motion is hereby DENIED.

9 *** END OF ORDER ***

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Notice of Applicable California Law concerning the licensing of an attorney.

**OFFICIAL NOTICE REQUESTED (West's ANNOTATED CALIFORNIA CODES,
GOVERNMENT CODE (2001), § 11515**

**JUDICIAL NOTICE REQUIRED (West's ANNOTATED CALIFORNIA CODES,
EVIDENCE CODE (2001), §§ 451, 453, 459).**

Declarant, Tony Lynn, Thomas a natural born Man, one of the People of the California Republic, a State Citizen, is a competent witness and, with all due Respect and in full Good Faith, does Declare and Affirm that:

Declarant had cause to research the California law concerning the licensing of persons to engage in the business of being an attorney. The results of Declarant's research are presented here.

1. The California Constitution, Article 6, § 9 plainly states that "admitted" and "licensed" are two separate and distinct actions.

West's ANNOTATED CALIFORNIA CODES, CONSTITUTION (2001), Article 6, § 9 reads (in part, emphasis added):

Every person admitted and licensed to practice law in this State is and shall be a member of the State Bar except while holding office as a judge of a court of record.

2.a. West's ANNOTATED CALIFORNIA CODES, BUSINESS AND PROFESSIONS CODE (2001), § 6064 reads (in part, emphasis added):

...the Supreme Court may admit such applicant as an attorney at law in all courts of this State and may direct an order to be entered upon its records to that effect. A certificate of admission thereupon shall be given to the applicant by the clerk of the court.

2.b. That statute plainly creates the requirement for "an attorney at law" to possess a "certificate of admission".

3.a. West's ANNOTATED CALIFORNIA CODES, BUSINESS AND PROFESSIONS CODE (2001), § 6067 reads (emphasis added):

Every person on his admission shall take an oath to support the Constitution of the United States and the Constitution of the State of California, and faithfully to discharge the duties of any [sic] attorney at law to the best of his knowledge and ability. A certificate of the oath shall be indorsed upon his license.

3.b. This statute plainly recognizes the dual requirement for "any [sic] attorney at law" to possess a "license" and a "certificate of the oath".

3.c. Declarant has no reason to presume or to agree that the "certificate of admission" required by BUSINESS AND PROFESSIONS CODE (2001), § 6064 (set out above) is identical with the "license" required by BUSINESS AND PROFESSIONS CODE (2001), § 6067 (set out above).

4.a. West's ANNOTATED CALIFORNIA CODES, BUSINESS AND PROFESSIONS CODE (2001), § 6068 reads (in part, emphasis added):

It is the **duty** of an attorney to do **all** of the following:

- (a) **To support the Constitution and laws of the United States and of this state.**
- (b) To maintain the respect due to the courts of justice and judicial officers.
- (c) To counsel and maintain those actions, proceedings, or defenses only as appear to him or her legal or just, ...
- (d) To employ, for the purpose of maintaining the causes confided to him or her **those means only as are consistent with truth, and never to seek to mislead the judge or any judicial officer by an artifice or false statement of fact or law.**

4.b. West's ANNOTATED CALIFORNIA CODES, BUSINESS AND PROFESSIONS CODE (2001), § 6103 reads (in part, emphasis added):

...any violation of the oath taken by him, or of his duties as such attorney, constitute causes for **disbarment or suspension.**

4.c. Declarant can reasonably infer from the forgoing information that, in order to fulfill his/her duties as an attorney per BUSINESS AND PROFESSIONS CODE (2001), § 6068(a) (set out above), a person purporting to be an attorney should have in his/her possession at minimum: (1) a "certificate of admission" from the clerk of the California Supreme Court, (2) a "license" indorsed with his/her "certificate of the oath", and (3) some evidence of his/her current membership issued by the State Bar of California.

5.a. According to The State Bar of California website: <http://www.calsb.org/mm/certstnd.htm> [as of February, 14, 2001], a person can request a "certificate of standing" from the State Bar of California.

In order to receive a certificate of standing (required for admission to other jurisdictions) send a written request and a check for the correct amount payable to the State Bar of California to:

State Bar of California
Membership Records
180 Howard St.
San Francisco CA 94105

Requests for regular certificates must be made in writing and there is a fee of \$25 for one to five certificates per attorney member payable in advance. Please include the bar number to ensure the certificate is for the correct person. The certificate can not be

faxed, but will be mailed within 10 working days of receipt of the request....

5.b. Declarant has no reason to presume or to agree that such a "certificate of standing" issued by the State Bar of California is identical with either a "certificate of admission" issued by the clerk of the Supreme Court or a "license" indorsed with his/her "certificate of the oath".

6.a. West's ANNOTATED CALIFORNIA CODES, BUSINESS AND PROFESSIONS CODE (2001), § 6128 reads (in part, emphasis added):

Every attorney is guilty of a **misdemeanor** who either:

- (a) Is guilty of **any deceit or collusion, or consents to any deceit or collusion**, with intent to deceive the court or any party.
- (b) Willfully delays his client's suit with a view to his own gain.
- (c) Willfully receives any money or allowance for or on account of any money which he has not laid out or become answerable for.

6.b. Declarant believes that a person purporting to be qualified to practice law in California without having the evidences of said qualification in his/her immediate possession would be committing such "deceit or collusion" as is proscribed in BUSINESS AND PROFESSIONS CODE (2001), § 6128(a).

7. The Supreme Court of California has held:

It [the right to practice law] is a **mere statutory privilege**, not even rising to the dignity of an office, except in a very limited sense, as we have already shown. This privilege is, by the statute granting it, extended to all persons who **comply with certain conditions**. Before the passage of this act [requiring an oath of loyalty to the Union during the Civil War], the conditions were that he be a white male citizen, twenty-one years of age, of good moral character, possess the necessary qualifications of learning and ability, procure a license from the Court to practice, and take the oath prescribed by the law. This act does but change the character and form of one of the former conditions, and requires the oath to be taken in the amended form, **upon the noncompliance with which he is prohibited from practicing**. It is not a crime for him to decline to comply with this new condition, by refusing to take the oath. The taking of it is now made a prerequisite to the exercise of the privilege. If the effect of his refusal is to exclude him from the practice, it is a result caused by **his own voluntary conduct**. In no sense is it a "punishment for crime," for the refusal to take the oath is not made a crime. A person may thus refuse who has never been guilty of any treasonable act, and has no intentions of that kind; and if he is prevented from practicing, it is by his own voluntary course. ... We do not see how this conclusion is to be avoided, unless it can be shown that **traitors in act and intention have a constitutional right to practice law**. ...[pp. 321-322.]

The right [to practice law] is subject to the condition that the attorney shall possess a blameless moral character, and it is forfeited upon a breach of that condition. The public have a right to demand that no person shall be permitted to aid in the

administration of justice whose character is tainted with dishonesty, corruption, crime, and, we will add, disloyalty, or treasonable acts. And his name will be stricken from the roll by the Court, by a summary proceeding, in such cases, whether provided for by statute or not, as it is a **duty which the Court owes to the public....**

The practice of the law is a privilege to which the Legislature may attach such conditions as it may deem proper, and a **breach of the conditions is a forfeiture of the right....** [pp. 325-326.]

We have carefully considered the constitutional objections to this law, and we see nothing in the Constitution of this State prohibiting [sic] the Legislature from requiring public officers, **or those exercising special privileges, like attorneys at law,** to take an expurgatory oath of the character of that prescribed by this act, and it is clearly within their general legislative powers, unless prohibited. ... **The statute substantially makes the refusal to take the oath operate as a voluntary withdrawal from the profession,** leaving it open for the attorney to be readmitted at any time by taking the oath, and thus complying with the new condition upon which that right depends. ... None but citizens are eligible to admission to practice law under the statute, ... [p. 327] (information in brackets and emphasis added) Cohen v. Wright (1863), 22 Cal. 293, 321-327.

8. West's ANNOTATED CALIFORNIA CODES, COURT RULES [Vol. 3, Pt. 3] (2001), RULES REGULATING ADMISSION TO PRACTICE LAW IN CALIFORNIA, Rule II sets out the current requirements for a person to complete prior to applying to be admitted by the Supreme Court and reads:

- Section 1. To be eligible for certification by the Committee to the Supreme Court of California to practice law in California, all applicants must meet the following requirements:
- (a) Be of the age of at least 18 years;
 - (b) Be of good moral character pursuant to the provisions of Rule X;
 - (c) Complete the general education requirements pursuant to the provisions of Rule VII prior to commencing the study of law;
 - (d) Register as a general applicant or attorney applicant;
 - (e) Complete the legal education requirements prescribed by Rule VII prior to taking the California Bar Examination;
 - (f) Qualify for and pass or establish exemption from the First-Year Law Students' Examination in accordance with the provisions of Rule VIII;
 - (g) Pass the California Bar Examination and such examination in professional responsibility or legal ethics as determined by the Committee and as specified in Rule VIII; and,
 - (h) Be in compliance with California court ordered child or family support obligations pursuant to Welfare and Institutions Code Section 11350.6.

9.a. West's ANNOTATED CALIFORNIA CODES, BUSINESS AND PROFESSIONS CODE (2001), § 6126 reads (emphasis added):

(a) Any person advertising or holding himself or herself out as practicing or entitled to practice law or otherwise practicing law who is not an active member of the State Bar, is guilty of a **misdemeanor**.

(b) Any person who has been **involuntarily enrolled as an inactive member** of the State Bar, or has been **suspended from membership** from the State Bar, or has been **disbarred**, or has **resigned from the State Bar with charges pending**, and thereafter advertises or holds himself or herself out as practicing or otherwise entitled to practice law, is guilty of a crime punishable by imprisonment in the state prison or county jail. However, any person who has been **involuntarily enrolled as an inactive member** of the State Bar pursuant to paragraph (1) of subdivision (e) of Section 6007 and who **knowingly** thereafter advertises or holds himself or herself out as practicing or otherwise entitled to practice law, is guilty of a crime punishable by imprisonment in the state prison or county jail.

(c) The **willful failure** of a member of the State Bar, or one who has resigned or been disbarred, to comply with an order of the Supreme court to **comply with Rule 955**, constitutes a crime punishable by imprisonment in the state prison or county jail.

9.b. West's ANNOTATED CALIFORNIA CODES, BUSINESS AND PROFESSIONS CODE (2001), § 6127 reads:

The following acts or omissions in respect to the practice of law are contempt of the authority of the courts:

(a) Assuming to be an officer or attorney of a court and acting as such, without authority.

(b) Advertising or holding oneself out as practicing or as entitled to practice law or otherwise practicing law in any court, without being an active member of the State Bar. Proceedings to adjudge a person in contempt of court under this section are to be taken in accordance with the provisions of Title V of Part III of the code of Civil Procedure.[1] [ftnt 1: Code of Civil Procedure § 1209 et seq.]

10.a. West's ANNOTATED CALIFORNIA CODES, PENAL CODE (2001), § 837 reads (in part):

A private person may arrest another:

1. For a public offense committed or attempted in his presence.
2. When the person arrested has committed a felony, although not in his presence.
3. When a felony has in fact been committed, and he has reasonable cause for believing the person arrested to have committed it.

10.b. Declarant has personal knowledge that both a misdemeanor and a crime are a public offense.

11.a. Declarant can reasonably infer from the foregoing information that any person purporting to be an attorney in California who refuses, fails, or is unable, to produce his/her Supreme Court "certificate of admission" together with his "license" indorsed with his/her "certificate of the oath", upon the demand of a client, a potential client, or an adverse party, would be *prima facie* in violation

of: (1) the Constitution and the statutes of California as set out above and of his/her duty as an attorney and (2) would thereby agree to forfeit his/her privilege of practicing law.

11. b. Declarant knows of no reason why a person purporting to be an attorney without tangible evidence of such status should not be subject to (1) summary suspension and/or disbarment in accordance with BUSINESS AND PROFESSIONS CODE (2001), sec. 6103; (2) the penalty provided in BUSINESS AND PROFESSIONS CODE (2001), sec. 6128; and (3) arrest pursuant to PENAL CODE (2001), sec. 837.

11.c. In reasonable reliance upon the foregoing information, Declarant knows of no reason why Declarant should not (1) seek sanctions against such a person for misleading the court should such a person appear in court in any representative capacity on behalf of any person without having in his/her immediate possession the documents required by the statutes of California, or (2) make a legal Citizens Arrest of such person, pursuant to PENAL CODE (2001), sec. 837, if he/she were to commit any act detrimental to the Declarant in Declarant's presence.

I certify / declare under penalty of perjury under the laws of the State of California, that the foregoing is true and correct.


Tony Lynn Thomas

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which the certificate is attached, and not the truthfulness, accuracy, or validity of that document.

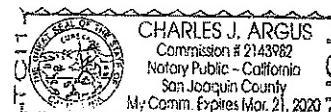
State of California

County of San Joaquin

Subscribed and sworn to (or affirmed) before me on this 19 day of NOVEMBER 2019
by Tony Lynn Thomas proved to me on the basis of satisfactory
evidence to be the person who appeared before me.

Signature of Notary Public: Charles J. Argus

Seal:



Further description of any attached document:

Title or Type of Document: _____

Document Dated: _____

Signer Named Above: _____

PG&E Corporation
Pacific Gas and Electric Company
Debtors / Attn: J Loduca
77 Beale St.
San Francisco, California (94105)

PG&E Corporation Claims
Processing Center
c/o Prime Clerk LLC
Grand Central Station
PO Box 4850
New York, NY 10163-4850

AFFIDAVIT OF TRUTH as to Publicly Noticed Facts - Certify Mail # 7018 2290 0001 5882 7989, is attached herewith and made a part hereof. If such affidavit is not included with this "Sworn Notice in the Form of an Affidavit" such sworn notice shall be deemed void.

SWORN NOTICE in the form of an Affidavit

I. Memorandum of Law - Points and Authorities in Support Thereof

An important aspect of the sworn notice is the notary signature and the jurat. Contrary to what most "persons" in the judicial branch say and think, the Notary Public is NOT an Officer of "their" Court, but an Officer of the Executive Branch and of the People, a much higher Court. The Notary is an officer of the state and certifies that everything in the sworn notice is true and correct and sworn to under oath by the affiant. Further the notary when signing the jurat signs in two capacities: in the capacity as an officer of the state and in the capacity of a living being, presenting one of the People, which the judicial branch Court can NEVER "SEE" (cannot give "cognizance of"), thus, creating a "bridge" for the process to move from the living to the fiction and vice versa.

Notary Public authority; ISAAC JOSEPH, APPELLANT, vs. JULIUS SALOMON, APPELLEE. Supreme Court of Florida, 19 Fla. 623; 1883 Fla. LEXIS 4, January, A. D. 1883, Decided -- "The demand of acceptance of a foreign bill is usually made by a Notary, and in case of non-acceptance he protests it, and this **notarial protest receives credit in all courts.**"

Is a response required to a sworn notice?

Yes, if an Affiant sends the sworn notice to a party that had, or there is implied, a prior business relationship with Affiant, if Affiant charges them with crimes, injuries and damages, or if they took an oath of office, then there is a mandatory response required to Affiant's sworn notice. There is case law on the mandatory response requirements. If they do not respond to the claims in Affiant's sworn notice according to the parameters therein then they agree with the claims in Affiant's sworn statement.

Rule 301, Federal Rules of Evidence is paramount.

Case Law in support thereof:

"Uncontested allegations of fact must be accepted as true." Morris v. National Cash Register, 44 SW 2nd 433, (1931).

When no affidavits are filed in opposition, the trial court is entitled to accept as true the facts alleged in respondent's affidavits if "... such facts are within the affiant's personal knowledge and [are ones] to which he could competently testify..." Southern Pac. Co. v. Fish, 166 Cal.App.2d 353, 362, 333 P.2d 133.

"Silence can only be equated with fraud where there is a legal or moral duty or where an inquiry left unanswered would be intentionally misleading..." as per United States v. Tweel, 550 F.2d 297, citing United States v. Prudden,

"...failure to state the true facts when such statement is legally required, to the detriment of the one relying upon such conduct..." can be termed "fraud and deceit", as per Atilus v. United States, 406 F.2d 694, at 698

"Silence is a species of conduct, and constitutes an implied representation of the existence of facts in question, and the estoppel therefrom is accordingly a species of estoppel by misrepresentation. When silence is of such a character and under such circumstances that it would become a fraud on the other party to permit the silent party to deny what his silence has induced the other party to believe and act upon, it will operate as an estoppel." as per Carmine v. Bowen, 64 A. 923

Another powerful element in the sworn notice is that it is a private contract set in admiralty that binds Libellees to a mandatory response by contract obligation.

This is accomplished when Affiant/Libellant claims that the other party has either damaged and injured Affiant or will do so by continuing to pursue a course of action. Affiant's claim via the sworn notice constitutes a private contract set out in admiralty. Affiant gave Libellees consideration in the form of forbearance of suit/waiver of tort with a specified and reasonable period of time, with a set and given number days to respond to the sworn notice, as per Federal Rules of Civil Procedure. All elements of a contract are in place.

With the consideration, Affiant's contract now puts Libellees under obligations that make it mandatory to respond to Affiant's document.

Case Law in support of forbearance:

Forbearance is consideration. Black's Law Dictionary, 6th Edition page 307; Restatement Second, Contracts §§ 17(1), 71; Corbin on Contracts, Vol. 2, page 80, Revised Edition, West Publishing Co. 1995; and Richman v. Brookhaven Servicing Corp., 80 Misc. 2d 563, 363, N.Y. S.2d 731, 733. "Forbearance from exercising a right to take legal action...constitutes adequate consideration..." [citing numerous cases] Town & Country Bank v. Bancshares, 172 Ill.App.3d 1066, 527 N.E.2d 637 (1988).

"There seems to be a strong tendency for a court to find that a forbearance that was actually given was promised in advance by implication." Corbin on Contracts, Revised Edition, Vol. 2, pa. 119, citing Levine v. Tobin, 210 Cal. App.2d 67, 26 Cal. Rptr. 273, 275 (1962) and 15 other cases from 12 different jurisdictions.

Actual forbearance of suit for a reasonable time is consideration. William H. McMicken et al. v. Helen M. Stafford, 197 Ill. 540 (1902).

It is a common understanding and general agreement that the prime reason for a contract is because the "parties" do not "trust" one another. And, as a half-truth may easily be a whole lie, a written contract brings clarity where confusion would otherwise exist.

All unilateral contracts, originating in corporate fiction or fraud, imposing duress, **pains and penalties**, required by state "statutes" and codes, lacking full disclosure, imbued with fraud, deceit, threat, pains and penalties and imposing obligations under duress is unlawful, illegal, unconstitutional, invalid, fraudulent, unenforceable and null and void, without force or effect, whatsoever.

If the "state", Federal or otherwise, deceptively takes ownership of any "res" (thing) by perversion under "color of law" by imposing upon the unaware Citizen "required" laws and fees, it is a unilateral contract, imposing said statutes and codes without full disclosure.

The "state" is a corporation, as is all government, and is designated to rule over the "fictional/corporate entities" to assure that no fiction ever harms a flesh and blood living man. This is the extent to which a "fiction" may associate with the living soul/man without the living man's consent.

All corporate administrators functioning through the United States court system are strictly "administrators" acting in the nature of a Judge. There have been no Judges in the prevalent court system since 1789. They fill only a ministerial capacity. All "courts" in the prevalent court system are to rule in the nature of a "court of competent jurisdiction". A true Court of Competent Jurisdiction is not available in any district of the United States of America.

A brief collection of facts, established by the High Courts of the land, from some of the wisest of Judges, and

through the time tested channels of discipline follows:

"The idea prevails with some-indeed, it found expression in arguments at the bar-that we have in this country substantially or practically two national governments; one to be maintained under the Constitution, with all its restrictions; the other to be maintained by Congress outside and independently of that instrument, by exercising such powers as other nations of the earth are accustomed to...I take leave to say that if the principles thus announced should ever receive the sanction of a majority of this court, a radical and mischievous change in our system of government will be the result. We will, in that event, pass from the era of constitutional liberty guarded and protected by a written constitution into an era of legislative absolutism....It will be an evil day for American liberty if the theory of a government outside of the supreme law of the land finds lodgment in our constitutional jurisprudence. No higher duty rests upon this court than to exert its full authority to prevent all violation of the principles of the Constitution". *DOWNES v. BIDWELL*, 182 U.S. 244 (1901)

6 Ohio St. 342, 1856 WL 59 (Ohio)

A national government is the government of the people of a single state or nation, united as a community by what is termed the social compact, and possessing complete and perfect supremacy over persons and things, so far as they can be made the lawful objects of civil government. A federal government is distinguished from a national government by its being the government of a community of independent and sovereign states, united by compact. Is one NOT required to remain within the parameters of the Constitution for the United States of America?

"In its governmental or public character, it represents the state, while in the other it is a mere private corporation. As a political institution, the municipality occupies a different position, and is subject to different liabilities from those which are imposed upon the private corporation. But because these two characters are united in the same legal entity, it does not follow that the shield which covers the political equally protects the private corporation." *STRAND v. STATE*, 16 Wn.(2d) 107, 116 (January 6, 1943).

DOWNES v. BIDWELL, 182 U.S. 244 (1901), where it is stated that; "...two national governments; one to be maintained under the Constitution, with all its restrictions; the other to be maintained by Congress outside and independently of that instrument..."

"No judicial process, whatever form it may assume, can have any lawful authority outside the limits of the jurisdiction of the court or judge by whom it is issued; and an attempt to enforce it beyond these boundaries is nothing less than lawless violence." (emphasis added) *Ableman v. Booth* (1858), 56 U.S. (21 How.) 506, 16 L.Ed. 169. [I recommend you read the entire case.]

Yet, the true purpose of "Law" is to protect the Private from the Corporate, as per:

"All that government does, and provides legitimately is in pursuit of its duty to provide protection for private rights, (*Wynhamer v. People*, 13 N.Y. 378), which duty is a debt owed to its creator, we the people and the private enfranchised individuals, which debt and duty is never extinguished nor discharged and is perpetual. No matter what the government/state provides for us in manner of convenience and safety, the unenfranchised individual owes nothing to the government", *Hale v. Henkle*, 201 U.S. 43.

"We the people have discharged any debt which may be said to exist or be owed to the state/government. The governments are however indebted continually to the people, because the people created the government corporation and because we suffer its continued existence. The continued debt owed to the people is discharged only as it continues not to violate our private rights, and when government fails in its duty to provide protection-discharge its debt to the people, it is an abandonment of any and all power, authority or vesting of 'sovereignty' which it possessed, and the laws remain the same, the sovereignty reverting to the people whence it came" *Down v. Bidwell*, 182 U.S. 277.

II. Libellee(s) as tort feasor(s)

Therefore, as a consequence of the facts, claims, statements, laws and conclusions of law herein, including attached Affidavit of Truth, Libellee(s) has/have attempted to exercise Right of Claim to an alleged contract wherein, upon discovery, full disclosure was never made that all codes, regulations, statutes, and rules wherein Libellee(s) make Claim of Authority have no basis in fact, or law, subterfuge and fraud proven by the evidence supplied, and said claim exists solely in a fictional, corporate, legal entity with no required allegiance to the Constitution or any moral or equitable character.

Further, as a consequence of the facts, claims, statements, laws and conclusions of law herein, including attached Affidavit of Truth, Libellee(s) did knowingly and willingly accept the benefit of the bargain, or contract, that was never ratified, but forced upon Affiant and The People, day by day, and event by event, as a Novation Contract, totally rooted, founded, and propagated in the Fraud with all said terms and conditions in the said Novation Contract being nothing more than fruit from the Poisonous Tree.

And, as a consequence of the facts, claims, statements, laws and conclusions of law herein, including attached Affidavit of Truth, Libellee(s) cannot at the same time accept the benefit of a bargain brought on by fraud, coercion, threat, duress, extortion, blackmail, etc, and reject the consequences of Truth and Justice, punishable by the very words, terms, phrases, and doctrines Libellee(s) has/have attempted to impose and force upon Affiant, which referenced court cases Affiant has relied upon and to which cases decisions Affiant claims Libellee(s) are bound.

Further, we have learned that certain major Supreme Court rulings affirm that there are two (2) distinctly different United States with two (2) opposite forms of governments, both having the same congress. Of a fact, the opposite of GOOD is EVIL, the opposite of TRUTH is FICTION, the opposite of RIGHT is WRONG. The consequence of the facts, claims, statements, laws and conclusions of law herein, is that; evil, fiction, and wrong are attributes of deception, fraud, malice, treason and tort.

Exodus 20:15 Thou shalt not steal.

John 8:44 Ye are of your father the devil, and the lusts of your father ye will do. He was a murderer from the beginning, and abode not in the truth, because there is no truth in him. When he speaketh a lie, he speaketh of his own: for he is a liar, and the father of it.

3 John 1:11 Beloved, follow not that which is evil, but that which is good. He that doeth good is of God: but he that doeth evil hath not seen God.

III. ACTUAL SWORN NOTICE FOLLOWS;

STATEMENT 01) Affiant hereby claims, declares and states under oath the following;

FACT 02) Forbearance is consideration, as learned in Black's Law Dictionary (above).

FACT 03) Actual forbearance of suit for a reasonable time is consideration. William H. McMicken et al. v. Helen M. Stafford, 197 Ill. 540 (1902). [Consideration is a required element of any contract.]

CLAIM 04) Affiant's sworn notice constitutes a private contract set out in admiralty and gives Libellee(s) consideration in the form of forbearance of suit for a reasonable period of time (see above).

CLAIM 05) These damages and injuries have bound Libellee(s) into a contract for restitution and reparation to Affiant.

CLAIM 06) Libellee(s) responses are mandatory based upon the law cited herein.

CONCLUSION 07) If Libellee(s) do/does not respond according to conditions herein, Libellee(s) agree(s) to the claims, facts, statements, laws and conclusions of law in this sworn notice and attached Affidavit of Truth including but not limited to the fact that Libellee(s) has/have damaged and injured Affiant.

CLAIM 08) The Constitution for the United States of America is a parameter, or barrier, that the fictional, corporate, legislative tribunals have purposely evaded to the harm, pain, and injury of this Affiant. These crimes have brought great mental stress, spoilage, time wastage, alienation of the affection of loved family members, and various other damages and injuries to Affiant.

CONCLUSION 09) Of paramount importance, and the only way justice can be served, is to determine whether the source and fountain of authority purported by Libellee(s) is from the Original, Organic Constitution for the united States of America or the Corporate Charter for the de facto government operating for, and on behalf of, the fictional Federal government, fictional Congress and Senate, and fictional sub-corporate charters responding to the corporate United States that are totally outside (outlaw) the confines of Rule of Law and are "extra-Constitutional".

CONCLUSION 10) Since actions speak louder than words, and by actions contracts are consummated, Libellee(s) actions have made manifest, with open disregard for the Rule of Law, that Libellee(s) had/have, at all times and in

every measure, concerning their association with Affiant, operated outside the parameters of the Constitution for the United States of America, and within the bounds of treason, coercion, threat, duress, malfeasance, tort, unlawful conversion, and any of several other offenses known to be injurious to Affiant.

CONCLUSION 11) As a consequence of Libellee(s) actions Libellee(s) has/have committed felony conversion, mail fraud, securities violations, libel and theft of Affiant's property for which restitution is sought.

Affiant reserves the right to amend in order that the truth be ascertained and justly determined.

Verified Affidavit

IN WITNESS WHEREOF, I, Tony Lynn, surname Thomas, *Sui Juris*, solemnly affirm and verify that I have read the foregoing, and know its contents to be true to the best of my knowledge, except as to the matters which are therein stated on my information or belief, and as to those matters, I believe them to be true. This instrument is submitted upon good faith effort that is grounded in fact, warranted by existing law for the modification or reversal of existing law and submitted for proper purposes, and not to cause harassment and unnecessary delay or costs, so help me God. See Supremacy Clause (Constitution, Laws and Treaties are all the supreme Law of the Land).

I declare under penalty of perjury and under the laws of the California Republic that the foregoing is true and correct.

Tony Lynn, Thomas

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the Document to which the certificate is attached, and not the truthfulness, accuracy, or validity of that document.

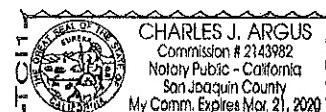
State of California

County of San Joaquin

Subscribed and sworn to (or affirmed) before me on this 16 day of MARCH. 2020
by Tony Lynn Thomas — proved to me on the basis of satisfactory evidence to be
the person who appeared before me.

Signature of Notary Public: Charles J. Argus

Seal:



Title of Document: _____

Document Date: _____